

SECOND REGULAR SESSION

SENATE BILL NO. 1272

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

Read 1st time February 18, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4546S.01I

AN ACT

To amend chapter 454, RSMo, by adding thereto three new sections relating to the child support insurance act.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 454, RSMo, is amended by adding thereto three new sections, to be known as sections 454.580, 454.583, and 454.586, to read as follows:

454.580. 1. Sections 454.580 to 454.586 shall be known and may be cited as the "Child Support Insurance Act". As used in sections 454.580 to 454.586, the following terms shall mean:

(1) "Custodial parent", a person who has physical or legal custody of a child under judicial or administrative order. Custodial parent includes a parent in a joint parenting plan with whom the child primarily resides;

(2) "Department", the department of social services;

(3) "Division", the division of child support enforcement within the department of social services that administers Title IV-D of the Social Security Act;

(4) "Noncustodial parent", a person who has an obligation established by judicial or administrative order to pay child support on behalf of a child and who is not the person with whom the child primarily resides;

(5) "Qualified child", a child for whom a child support order is in effect and who:

(a) Resides in the state of Missouri;

(b) Is less than eighteen years of age or is a student less than nineteen years of age; and

(c) Has a living noncustodial parent.

2. The child support insurance act shall secure financial stability to qualified children living in custodial families through a minimum level of child support while prompting noncustodial parents to financially support their

children.

3. A custodial parent is eligible to receive child support insurance payments on behalf of a qualified child if the custodial parent:

- (1) Enrolls in child support insurance operated by the division;
- (2) Establishes paternity of the child;
- (3) Obtains a child support order for that child;

(4) Assigns the right to collect child support for that child to the state of Missouri for only the months and amounts in which child support insurance payments are to be received;

(5) If eligible, opts not to receive cash assistance under the temporary assistance for needy families (TANF) program. The custodial parent may receive other types of available support services, including but not limited to, food stamps, education assistance, employment counseling, disability-based benefits, Medicaid, and child care services;

(6) Is employed and has an earned, gross income that does not exceed one hundred and thirty percent of the federal poverty level by household size and a total household income that does not exceed one hundred eight-five percent of the federal poverty level;

(7) Resides in a county with a high percentage of at-risk children.

454.583. Subject to the provisions of section 454.586, the child support insurance payment shall pay up to the sum of:

- (1) One hundred dollars for the first qualified child;
- (2) Fifty dollars for any additional qualified child;

(3) The maximum payment amount shall not exceed two hundred dollars per month for any custodial parent.

454.586. 1. The primary funding for the child support insurance payments provided for in section 454.583 shall be the child support paid by the noncustodial parent. Subject to appropriations, the general assembly may provide other funding necessary for the child support insurance program.

2. Each month that the noncustodial parent of a qualified child pays the amount specified in the child support order, the state of Missouri shall retain the payment up to the full reimbursement for the child support insurance payment. If the monthly child support amount ordered and paid exceeds the child support insurance payment, the amount in excess of the child support insurance payment shall be passed through to the custodial parent for the benefit of the child or children. If a noncustodial child support payment is not made, the noncustodial parent shall owe the entire amount of the court-ordered or administratively-ordered child support payment up to the amount of the child support insurance

payment to the state of Missouri.

3. Appropriations from general revenue for the child support insurance program may be counted toward the state's maintenance of effort for the federal temporary assistance for needy families block grant in accordance with provisions for separate state programs under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

4. If a noncustodial parent is in arrears on his or her child support obligation for which the state is making support payments under the child support insurance act, then the following steps may be taken:

(1) A noncustodial parent who is more than two months delinquent in child support payments shall be referred to the parent's fair share program;

(2) A noncustodial parent who is referred to the parent's fair share program but refuses to participate or has participated in the parent's fair share program but is not making reasonable progress, may be subject to any and all penalties available under law for failure to pay child support including suspension of occupational, professional, and recreational licenses;

(3) A noncustodial parent shall be presumed to have failed to make reasonable progress in the parent's fair share program if the noncustodial parent has been in the program for five years and is not at least making his or her current child support payments. The noncustodial parent shall be referred by the division for any and all penalties available for failure to pay child support.

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